

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

MICHAEL BROWN and MICHAEL BROWN, as *
executor of the Estate of Clara
Virginia Britton, *

Plaintiffs, *

vs. *

CASE NO. 4:21-cv-162 (CDL)

COLUMBUS POLICE DEPARTMENT, *et al.*, *

Defendants. *

O R D E R

Plaintiffs filed this action on September 16, 2021. More than 90 days have passed, and Plaintiffs have not filed a proof of service showing that each Defendant has either executed a waiver of service or been served with a copy of the summons and complaint in accordance with the Federal Rules of Civil Procedure. Under Federal Rule of Civil Procedure 4(m), if a defendant is not served within 90 days after the complaint is filed, the court, after notice to the plaintiff, must dismiss the action without prejudice against the defendants or order that service be made within a specified time. Plaintiffs filed a motion for extension of time to execute service (ECF Nos. 35 & 36). That motion is granted to the following extent. Plaintiffs are ordered to serve any Defendants who have not already been served or waived service in accordance with the Federal Rules of Civil Procedure by January 11, 2022, and to file proof of that service by January 18, 2022. Failure to do so will result in

dismissal without prejudice of any Defendant for whom a proof of service or executed waiver of service has not been filed on the docket. Plaintiffs' request for service by the U.S. Marshal is denied because Plaintiffs did not specify which Defendants they are requesting service by U.S. Marshal for, and Plaintiffs did not clearly articulate what steps they have taken to serve the Defendants under the Rules or why their process server could not accomplish service.

IT IS SO ORDERED, this 21st day of December, 2021.

S/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA